IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.7697/07
Babu Khan Vs. Sambhar Salts Ltd. & Ors.

1.10.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ajay Shukla for petitioner.

The petitioner has challenged the order Annexure-6 dated 2.7.2007 whereby the work for extraction and storage of salt from Nawa Kyar for the year 2007-08 has been awarded to the respondent no.4. The respondent no.4 was alloted the work for 2006-07 also and he was further allotted the work for 2007-08 on temporary basis and asked to continue to do so.

Learned counsel for the petitioner argued that the petitioner's

bid was lowest one, therefore, the work contract for 2007-08 should be allotted to him. Learned counsel for the petitioner has cited the judgment in Harbans Lal Sahnia & Anr. Vs. Indian Oil Corporation Ltd. & Ors.-(2003) 2 SCC 107 and argued that despite the alternative remedy being available in such dispute, the writ petition is maintainable.

In the facts of the case, I find that this petition involves disputed questions of facts and this is a contractual dispute between the two parties, which is not maintainable before this Court. The judgment cited by learned counsel in Harbans Lal Sahnia, supra, is about termination of retail outlet dealership, therefore that judgment would not be applicable in the present case.

Appropriate remedy in the facts of the present case is by way of decree. The petitioner would be free to approach the Civil Court for redressal of his grievances.

The writ petition is therefore dismissed as being not maintainable.

(Mohammad Rafiq),J.

Rs/-